

THE HONORABLE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA, for the Use
and Benefit of D&D CONSTRUCTION I, INC.,
A Washington corporation,

Plaintiff,

v.

FIDELITY & DEPOSIT COMPANY OF
MARYLAND, a Maryland corporation,

Defendants.

No. 3:23-cv-05308-BHS

**STIPULATED ORDER FOR
ADDITIONAL STAY**

**NOTE ON MOTION CALENDAR
Thursday, February 15, 2024**

PLAINTIFF United States of America, for the Use and Benefit of D&D Construction I, Inc. (“D&D” or “Plaintiff”) and Fidelity & Deposit Company of Maryland (“Defendant”) hereby submit the following Stipulated Motion to Stay.

On May 8, 2023 the parties jointly moved for a 60-day stay of all case deadlines. (Dkt. No. 7). Again, on July 13, 2023 and November 16, 2023 the parties jointly moved for an additional stay of 90 days. (Dkt. No. 11, 15). The basis for these stays was to allow the Parties to engage in discussions and negotiations on D&D’s claim. The parties continue to await the action of a third party not yet a part of this action, the owner of the contract at issue, the U.S. Army Corps of Engineers (“USACE”). A portion of D&D’s costs have now been paid, but the remainder of D&D’s claim is still awaiting approval by

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USACE as part of the termination for convenience process.

Accordingly, the parties again jointly move this Court for an additional stay of all deadlines, including the answer and responsive pleading deadline, and all other case deadlines for an additional ninety (90) days. At the end of the stay, the parties will update the Court on the status of the dispute.

DATED this 15th day of February, 2024

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Counsel for Defendant

ORDER

Good Cause Appearing, this Case and all deadlines shall be extended and stayed for a period of ninety (90) days.

DATED this 15th of February, 2024.



BENJAMIN H. SETTLE
United States District Judge

Presented by:

DORSEY & WHITNEY LLP

s/ Emily A. Yoshiwara

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CERTIFICATE OF SERVICE

I hereby certify that on this date I caused to be served the foregoing on the following
counsel of record by the method indicated:

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***Attorney for Plaintiff D&D Construction I,
Inc.***

Dated this 15th day of February, 2024.

/s/ Rachel Leigh

Rachel Leigh, Legal Assistant